

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

228A0092

HOUSE ENGROSSED NO. **SB152** - 2/26/97

Introduced by: Senators Aker and Hutmacher and Representatives Jorgensen, Barker, and Chicoine

1 FOR AN ACT ENTITLED, An Act to permit planning directors to approve certain plats.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 11-3-6 be amended to read as follows:

4 11-3-6. The provisions of this chapter ~~shall~~ apply to every addition to, or subdivision within,
5 any county, municipality or unincorporated town. If the land or any part ~~thereof~~ of the land
6 included in any addition or subdivision is within, adjoining, or contiguous to the boundaries of
7 any municipality, the plat, before being recorded, shall be submitted to the governing body
8 ~~thereof, which shall examine the same~~ or, if applicable, the planning director of the municipality.

9 If it appears that the system of streets set forth therein conforms to the system of streets of the
10 existing plats of the municipality, that all provisions of any subdivision regulations have been
11 complied with, that all taxes and special assessments upon the tract or subdivision have been fully
12 paid, and that such plat and the survey thereof have been executed according to law, the
13 governing body shall, by resolution, approve the ~~same~~ plat. The governing body may by
14 resolution designate an administrative official of the municipality to approve plats in lieu of
15 approval by the governing body. The auditor or finance officer shall endorse on ~~such~~ the plat a

1 copy of the resolution or the designated administrative official's approval and certify to the same.
2 No plat of any such addition or subdivision so situated ~~shall be entitled to record or~~ is entitled
3 to record or may be recorded unless the ~~same plat~~ bears a copy of ~~such the~~ resolution or
4 approval and certificate of the auditor or finance officer. If the designated administrative official
5 denies the plat request, the person requesting the plat may appeal to the governing body.

6 Section 2. That § 11-3-8 be amended to read as follows:

7 11-3-8. ~~Whenever~~ If any person wishes to plat any lands lying outside the boundaries of a
8 municipality, ~~he~~ the person shall be governed by this chapter. Before recording ~~his~~ the person's
9 plat in accordance with § 11-3-6, ~~he~~ the person shall submit the ~~same plat~~ to the board of county
10 commissioners of the county wherein such lands are situated. The approval of the board of
11 county commissioners pursuant to this section may not be required for a plat as specified in §
12 11-6-26. The board of county commissioners shall examine the same. ~~They~~ The board of county
13 commissioners shall by resolution, approve the plat, and the auditor shall endorse on the plat a
14 copy of the resolution and certify to the same if it appears that the system of streets conforms
15 to the system of streets of existing plats and section lines of the county, that adequate provision
16 is made for access to adjacent unplatted lands by public dedication or section line when
17 physically accessible, that all provisions of any subdivision regulations of the county have been
18 complied with, that all taxes and special assessments upon the tract or subdivision have been fully
19 paid and that the plat and the survey ~~thereof~~ of the land have been lawfully executed. The board
20 of county commissioners may by resolution designate an administrative official of the county to
21 approve plats in lieu of approval by the board of county commissioners. No plat of any addition
22 or subdivision, so situated, ~~shall be entitled to record or~~ is entitled to record or may be recorded
23 unless it the plat bears a copy of the resolution or approval and certificate of the auditor. If the
24 designated administrative official denies the plat request, the person requesting the plat may
25 appeal to the board of county commissioners.

1 **BILL HISTORY**

2 1/28/97 First read in Senate and referred to Local Government. S.J. 192

3 2/3/97 Scheduled for Committee hearing on this date.

4 2/3/97 Local Government Do Pass, Passed, AYES 6, NAYS 1.

5 2/4/97 Senate Do Pass, Passed, AYES 35, NAYS 0. S.J. 312

6 2/5/97 First read in House and referred to Local Government. H.J. 329

7 2/18/97 Scheduled for Committee hearing on this date.

8 2/20/97 Scheduled for Committee hearing on this date.

9 2/20/97 Local Government Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 600

10 2/24/97 Deferred to another day. H.J. 672

11 2/25/97 Motion to Amend, Passed. H.J. 700

12 2/25/97 Motion to Amend, Passed. H.J. 701

13 2/25/97 Motion to Amend, Failed. H.J. 701

14 2/25/97 House of Representatives Do Pass Amended, Passed, AYES 59, NAYS 8. H.J. 702